

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS

LIGHTSPEED MEDIA CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 11-L-683
	)	
JOHN DOE,	)	
	)	
Defendant.	)	

REPORT OF PROCEEDINGS

Before the HONORABLE ROBERT P. LECHIEN, Circuit Judge

June 4, 2012

APPEARANCES:

MR. KEVIN T. HOERNER, Attorney at Law  
On Behalf of the Plaintiff; and,

MR. JOHN D. SEIVER & MR. ANDREW G. TOENNIES  
Attorneys at Law  
On Behalf of the Defendant Comcast (A Non-Party).

MARY JO JALINSKY, CSR  
Official Court Reporter  
C.S.R. License No. 084-003202

1           So I think based upon the repeated representations that  
2 Comcast stands ready and willing to comply with your court  
3 orders, for the multiple times we've heard that during the  
4 various hearings we've had since April 12th, but most  
5 importantly, because they admit to you that they have the  
6 information, I think that they should be required to comply  
7 with your April 12th order, and that this motion for  
8 clarification, which it is not, should be properly denied.

9           Thank you.

10           THE COURT: Would you like to finish it off?

11           MR. SEIVER: Just briefly, Your Honor. Thank you.  
12 It is true that the motion is titled for clarification and it  
13 had to do with the timing of production, but we also asked  
14 separately for the application of the subscriber protections  
15 outlined in the court's sua sponte order. So we recognize  
16 there was two aspects to the motion, Your Honor. I understand  
17 Mr. Horner has said -- which has been repeated in this case --  
18 is that the ISP does not have standing to seek protection of  
19 subscriber privacy. I disagree with that, and we have briefed  
20 that under the Cable Act, that we have an obligation to  
21 protect subscriber privacy, and that's what's driven us, you  
22 know, through this particular stage of litigation.

23           As far as what --

24           THE COURT: Okay, stop right there. What is it --

1 why do you think that you are given standing to assert the  
2 privacy issues regarding the subscribers and the method that  
3 given the subpoena and its purpose and its authority, what  
4 does -- how far does this protection of privacy take me down  
5 the road of examining your protestations regarding the merits  
6 of the case? Because that's the -- seems to me to be the only  
7 reason that you're saying -- that you're talking about  
8 privacy, because privacy would have to be from something that  
9 an average person wouldn't want to be disclosed, a reasonable  
10 man sort of standard. Yet, that has been ordered.

11 What I don't understand is where and why your industry,  
12 and Comcast, in particular, has taken the position that it is  
13 not a waste of time and a sanctionable conduct on the ISP's  
14 part for asserting these repetitively and past the point of  
15 giving the court any new information.

16 I am going to deny your motion. I am going to require  
17 you to do what was agreed to after the motion to quash was  
18 denied. I am going to take a look at and provide all of the  
19 protections that are appropriate to the Comcast subscribers  
20 who have responded and will respond over the course of the  
21 next few weeks.

22 I note that I saw a deadline for filing of a motion to  
23 quash by attorneys, by sua sponte -- I mean, by pro se  
24 litigants. And I'm not sure if that's the Comcast letter or